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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

15 CR 73 (RMB)
Arraignment

5
6 EVGENY BURYAKOV,

7 Defendant.
8

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9
10 New York, N.Y.
February 11, 2015
11 9:30 a.m.

12 Before:

13 HON. RICHARD M. BERMAN,

14 District Judge

15 APPEARANCES

16 PREET BHARARA

17 United States Attorney for the
Southern District of New York

18 ANNA M. SKOTKO

Assistant United States Attorney

19 LATHAM & WATKINS LLP

20 Attorneys for Defendant

21 BENJAMIN A. NAFTALIS

IRINA SIVACHENKO

22 ALSO PRESENT: NELLY ALISHAEV, Interpreter (Russian)
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(Case called)

THE COURT: Good morning, everybody. Please be seated. Let's start by noting that we have a Russian language interpreter. But am I correct, Mr. Buryakov, is that the correct pronunciation?

THE DEFENDANT: Yes (in English).

THE COURT: Do you need the interpreter, or is she here on a standby capacity?

THE DEFENDANT: Standby (in English).

THE COURT: Great. Thank you. The first order of business is arraignment. I would just ask the government briefly to summarize, really briefly, the two-count indictment which was handed down a day or two ago.

MS. SKOTKO: Yes, your Honor. The defendant is charged in two counts in an indictment that was filed on Monday. The first count charges him with conspiring to act as an unregistered agent of a foreign government, in violation of Title 18, United States Code, Section 371, and the second count charges him with the substantive offense of acting as an unregistered agent of a foreign government, in violation of Title 18, United States Code, Section 951.

THE COURT: Thank you.

Mr. Naftalis, are you relief counsel for the defendant?

MR. NAFTALIS: I am, along with my colleague,

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1 Ms. Sivachenko.

2 THE COURT: Let me ask you whether you have received a
3 copy of the indictment that the assistant just described.

4 MR. NAFTALIS: We have. I've reviewed it with our
5 client, and we waive its public reading.

6 THE COURT: And what plea would you like to enter?

7 MR. NAFTALIS: If we could enter a plea of not guilty,
8 your Honor.

9 THE COURT: That really completes the technical
10 aspects of arraignment. I have just a couple of questions.
11 What happened before the magistrate judge with respect to bail
12 and where does that stand?

13 MS. SKOTKO: Your Honor, the defendant was detained.
14 There was oral argument on the bail application, and he was
15 detained pending indictment.

16 THE COURT: Right. Is that continuing at this point?
17 Is there any application? If there is or will be, I would
18 request that that be in writing, so initiated by the defense,
19 if you were to make one, and then we would have a response by
20 the government.

21 MR. NAFTALIS: Thank you, your Honor.

22 THE COURT: Next, my practice following arraignment is
23 to ask counsel for both sides where they think the case is
24 going and in what time frame. That may be somewhat difficult
25 to respond to at this time, but let's hear from the government

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1 and the defense.

2 MS. SKOTKO: Yes, Judge. We've been in touch with
3 defense counsel. The government plans on producing
4 unclassified discovery in about two weeks and we can produce
5 that on a rolling basis. We will be submitting a protective
6 order to the Court, which I understand will be with the consent
7 of the defense. There is classified discovery in this case,
8 and we've started the process of requests to get defense
9 counsel and the Court's staff the necessary clearances. In my
10 conversations with defense counsel, I think we're in agreement
11 that a status conference approximately 45 days out would be
12 appropriate here.

13 THE COURT: Mr. Naftalis.

14 MR. NAFTALIS: That's correct, your Honor. The only
15 other thing I discussed with Ms. Skotko was receiving summary
16 translations and draft translations pursuant to a draft
17 transcript stipulation as they become available to the
18 government. My understanding is that the bulk of the discovery
19 in this case is in Russian, and I think it would be helpful to
20 be working in English as much as we can.

21 THE COURT: So you and she are working together to
22 resolve that issue.

23 MR. NAFTALIS: We've talked about it. I'm just noting
24 it for the record.

25 THE COURT: Great. Let me propose a date for you.

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1 How about a status conference for Thursday, March 26, at 10
2 a.m.; does that work for you?

3 MS. SKOTKO: Yes, your Honor.

4 MR. NAFTALIS: Your Honor, I have to check my
5 calendar, and I will write to the Court if that doesn't work.
6 My wife is due the day before, and I might have to put her
7 delivery in front of the next appearance.

8 THE COURT: Understood. We'll hold that for now and
9 see if that needs to be changed or not.

10 MR. NAFTALIS: Thank you.

11 THE COURT: Is there an issue of speedy trial and/or
12 an application for waiver?

13 MS. SKOTKO: Yes, your Honor. The government would
14 request that time be excluded under the Speedy Trial Act to
15 allow the government an opportunity to produce discovery and
16 defense counsel an opportunity to review it and for us to
17 continue discussions.

18 MR. NAFTALIS: No objection.

19 THE COURT: I'm going to find under 18 United States
20 Code Section 3161 that the request for adjournment joined in by
21 both sides is appropriate and warrants exclusion of the
22 adjourned time from speedy trial calculations. I further find
23 that the exclusion is designed to prevent any possible
24 miscarriage of justice, to facilitate these proceedings,
25 including review of the initial discovery materials, and to

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1 guarantee effective representation of and preparation by
2 counsel for both parties, and thus the need for exclusion and
3 the ends of justice outweigh the interests of the public and
4 the defendant in a speedy trial, pursuant to 18 U.S.C. Section
5 3161(h)(7)(A) and (B).

6 That pretty much concludes our work for today, unless
7 there's anything further from the government.

8 MS. SKOTKO: No, your Honor. Thank you.

9 THE COURT: How about the defense?

10 MR. NAFTALIS: No, your Honor. Thank you.

11 THE COURT: Nice to see you all. Thanks. We're
12 adjourned.

13 (Adjourned)